

Article - Natural Resources

[\[Previous\]](#)[\[Next\]](#)

§5-1610.1.

(a) The Department shall develop standards and adopt regulations for the creation and use of forest mitigation banks, including criteria for tracking, crediting, maintaining, bonding, and reporting mitigation bank activities.

(b) A local jurisdiction may develop procedures for establishing forest mitigation banks as part of its forest conservation program.

(c) Mitigation banks may be permitted only in priority areas as identified in § 5-1607(d) of this subtitle or as identified in a comprehensive plan adopted by a local jurisdiction.

(d) The establishment of mitigation banks and their use may not alter the sequence for retention, reforestation, or afforestation on a development site as outlined in § 5-1607 of this subtitle.

(e) Criteria established by local or State programs for the use and establishment of forest mitigation banks shall include protection and conservation in perpetuity of forest mitigation banks consistent with reasonable management plans, through methods that include easements, covenants, or similar mechanisms that shall be in place at the time credits are withdrawn.

(f) This section may not be construed to require the Department or a local jurisdiction to:

(1) Establish or fund State or local mitigation banks;

(2) Fund the establishment of forest mitigation banking by the private sector; or

(3) Use State or local government land for forest mitigation banking.

(g) (1) Credits in a mitigation bank may not be approved for debiting until construction of the mitigation bank is complete.

(2) A mitigation bank shall maintain sufficient credits in reserve to cover anticipated expenses of completion of the mitigation bank.

[\[Previous\]](#)[\[Next\]](#)